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7 Honorable Marsha Pechman  
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12 UNITED STATES DISTRICT COURT  
13 WESTERN DISTRICT OF WASHINGTON  
14 AT SEATTLE

15 THEODORE HEINEMANN,

16 Plaintiff,

17 NO. 2:11-cv-00002-MJP

18 v.

19 UNITED AIRLINES,

20 Defendant.

21 ORDER GRANTING DEFENDANT  
22 UNITED AIRLINES' MOTION FOR  
23 VOLUNTARY DISMISSAL OF  
24 COUNTERCLAIM

25 This matter comes before the Court on Defendant United Airlines' Motion for  
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Voluntary Dismissal of Counterclaim. The Court has reviewed and considered the filings and  
pleadings in this case, including the following:

1. Defendant United Airlines' Motion for Voluntary Dismissal of Counterclaim;  
2. Defendant United Airlines' reply.

ORDER GRANTING DEFENDANT UNITED AIRLINES' MOTION  
FOR VOLUNTARY DISMISSAL OF COUNTERCLAIM (No. 2:11-  
cv-00002-MJP) - 1

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2 No response to the motion was filed by Plaintiff. Accordingly, the Court ORDERS that  
3 Defendant United Airlines' Motion for Voluntary Dismissal of Counterclaim is GRANTED in  
4 its entirety and in accordance with the following conditions and terms:

5 1. The voluntary dismissal of Defendant's counterclaim is without prejudice and  
6 without an award of fees or costs;

7 2. The voluntary dismissal of Defendant's counterclaim is conditioned on  
8 Defendant's right to renew its counterclaim if Plaintiff re-files his claims in any jurisdiction;

9 3. The voluntary dismissal of Defendant's counterclaim is conditioned on  
10 Defendant's right to renew its counterclaim if the Court's order granting summary judgment  
is reversed or modified;

11 4. The voluntary dismissal of Defendant's counterclaim shall not trigger the two-  
12 dismissal rule of Fed. R. Civ. P. 41(a)(1)(B);

13 5. The voluntary dismissal of Defendant's counterclaim shall not preclude  
14 Defendant from asserting any counterclaims, including the instant counterclaim, against  
15 Plaintiff under Washington's Anti-SLAPP statute or similar laws in other jurisdictions if  
16 Plaintiff re-files his claims in a different lawsuit.

17 Dated this 7th day of July, 2011.

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20 Marsha J. Pechman  
United States District Judge

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22 ORDER GRANTING DEFENDANT UNITED AIRLINES' MOTION  
23 FOR VOLUNTARY DISMISSAL OF COUNTERCLAIM (No. 2:11-  
cv-00002-MJP) - 2

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ORDER GRANTING DEFENDANT UNITED AIRLINES' MOTION  
FOR VOLUNTARY DISMISSAL OF COUNTERCLAIM (No. 2:11-  
cv-00002-MJP) - 3

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2 Presented by:  
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MILLS MEYERS SWARTLING  
Attorneys for United Airlines

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22 ORDER GRANTING DEFENDANT UNITED AIRLINES' MOTION  
23 FOR VOLUNTARY DISMISSAL OF COUNTERCLAIM (No. 2:11-  
24 cv-00002-MJP) - 4  
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## **CERTIFICATE OF SERVICE**

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner indicated a copy of the within and foregoing document upon the following persons:

*Plaintiff Pro Se:*

Theodore Heinemann  
441 Houseman Ave NE, Apt. #2  
Grand Rapids, MI 49503

- Via first class mail, postage prepaid
- Via facsimile to
- Via Legal Messengers
- E-mail desistohater@yahoo.com

Theodore Heinemann  
251 Lenora Avenue NW  
Grand Rapids, MI 49504

- Via first class mail, postage prepaid
- Via facsimile to
- Via Legal Messengers

DATED this 13th day of June 2011.

/s/Teresa A. Caceres  
Legal Assistant

ORDER GRANTING DEFENDANT UNITED AIRLINES' MOTION  
FOR VOLUNTARY DISMISSAL OF COUNTERCLAIM (No. 2:11-  
cv-00002-MJP) - 5